

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESLIE PAUL HOWARTH,	:
Plaintiff	:
v.	: Civil Action No. 05-147J
CONCURRENT TECHNOLOGIES CORP.,	:
Defendant	:

MEMORANDUM ORDER

This matter has been referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 31, 2005, docket no. 14, recommending that defendant's motion to dismiss, docket no. 9, be denied, and that its motion to strike a portion of the complaint as impertinent be granted.

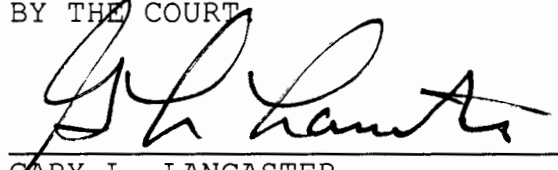
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed a pleading styled as objections, docket no. 15, which discusses plaintiff's effort to exhaust his administrative remedies. The portion of the Magistrate Judge's recommendation dealing with exhaustion of administrative remedies is in plaintiff's favor, so there is no need to discuss the objections at this time.

After de novo review of the record of this matter, together with the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 20th day of March, 2006, it is

ORDERED that defendant's motion to dismiss, docket no. 9, is denied, but its motion to strike a portion of the plaintiff's complaint is granted. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT


GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

Notice to:

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